

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GERALD SPEARS, Individually, and on
behalf of All Others Similarly Situated,

Plaintiff,

v.

UNIVERSAL ENSCO, INC.,

Defendant.

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Case No. 3:11-cv-1025-GPM-DGW

**SCHEDULING ORDER
(CLASS ACTION)**

The parties are reminded that they may, pursuant to Federal Rule of Civil Procedure 29, modify discovery dates occurring prior to the close of discovery, by agreement, without the Court's involvement, provided that neither the discovery cutoff and dispositive motion deadlines nor the settlement conference date are affected.

Depositions upon oral examination, interrogatories, request for documents, and answers and responses thereto shall not be filed unless on order of the Court.

Disclosures or discovery under Rule 26(a) of the Federal Rules of Civil Procedure are to be filed with the Court only to the extent required by the final pretrial order, other order of the Court, or if a dispute arises over the disclosure or discovery.

Having reviewed the Report of the Parties and finding that the parties have complied with the requirements of Federal Rule of Civil Procedure 26(f) and SDIL-LR 16.2(a), the Court hereby enters the following schedule as discussed at the Pretrial Scheduling and Discovery Conference held March 5, 2012.

- A. A settlement conference is set before Magistrate Judge Donald G. Wilkerson in accordance with SDIL-LR 16.3(b) on **October 22, 2012, at 9:00 a.m.** in the East St. Louis Federal Courthouse. The parties may contact chambers for a different settlement conference date if they believe that settlement negotiations would be more beneficial at an earlier or later time.
- B. A Class Certification hearing will be set before the trial judge.
- C. A final pretrial conference will be set before the trial judge in accordance with SDIL-LR16.2(b).
- D. A jury trial is set presumptively for **March 2013**.

DATED: March 6, 2012



DONALD G. WILKERSON
United States Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**GERALD SPEARS, Individually, and on
behalf of All Others Similarly Situated,**

Plaintiff,

VS.

UNIVERSAL ENSCO, INC.,

Defendant.

CIVIL NO. 11-1025-GPM-DGW

CJRA TRACK: D

PRESUMPTIVE TRIAL MONTH:

March 2013

JUDGE: Magistrate Judge Donald G. Wilkerson

**JOINT REPORT OF THE PARTIES AND PROPOSED
SCHEDULING AND DISCOVERY ORDER
(CLASS ACTION)**

Pursuant to Federal Rule of Civil Procedure 26(f), and Local Rules SDIL-LR 26.1, and SDIL-LR 23.1, an initial conference of the parties was held on February 27-28, 2012 with attorneys Richard J. (Rex) Burch (for Plaintiff) and Charles H. Wilson (for Defendant) participating.¹

SCHEDULING AND DISCOVERY PLANS WERE DISCUSSED AND AGREED TO AS FOLLOWS:

1. Initial interrogatories and requests to produce documents, pursuant to Federal Rules of Civil Procedure 33 and 34 and Local Rule SDIL-LR 33.1, shall be served on opposing parties by: October 5, 2012.

1 Plaintiff is filing a motion to remand to state court.

2. Plaintiff's deposition shall be taken first, before all other depositions and no later than: October 5, 2012.
3. Defendant's depositions (including the deposition(s) of any defendant corporate representative(s) and employee deposition(s)) shall be taken after plaintiff's deposition, and no later than: October 6, 2012.
4. Any motions to amend the pleadings, including the commencement of a third party action, shall be filed by: May 15, 2012.
5. Any expert witnesses for trial and class certification shall be disclosed, along with a written report prepared and signed by the witness pursuant to Federal Rule of Civil Procedure 26(a)(2), as follows:

Expert for party with burden of proof: August 1, 2012.

Expert for responding party: September 14, 2012.
6. Depositions of any trial and class certification expert witnesses must be taken by: October 6, 2012
7. All discovery shall be completed by November 6, 2012 (which date shall be no later than **115 days** before the first day of the presumptive trial month). Any written interrogatories or request for production shall be served by a date that allows the served parties the full 30 days as provided by the Federal Rules of Civil Procedure in which to answer or produce by the discovery cut-off date.
8. Any and all dispositive motions and motions for class certification shall be filed by: November 21, 2012 (which date shall be no later than **100 days** before the first day of the presumptive trial month). Dispositive and class certification motions filed after this date will not be considered by the Court.
9. The Scheduling and Discovery Conference may, at the discretion of the Magistrate Judge, be canceled if the Magistrate Judge approves of the parties' proposed Scheduling and Discovery Order as submitted.

DATED: February 28, 2012

/s/ Richard ("Rex") J. Burch (w/consent)
Attorney(s) for Plaintiff(s)

/s/ Charles H. Wilson
Attorney(s) for Defendant(s)